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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-529*

13 **WAINE HELEN WOOD**  
708-500 Singleton Lane  
Janesville, CA 96114

**A C C U S A T I O N**

14 **Registered Nurse License No. 319676**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1980, the Board issued Registered Nurse License Number  
23 319676 to Waine Helen Wood ("Respondent"). Respondent's registered nurse license was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on March 31,  
25 2014, unless renewed.

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## STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof . . .

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section; or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

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1           7.     Code section 2765 states:

2                     A plea or verdict of guilty or a conviction following a plea of nolo  
3                     contendere made to a charge substantially related to the qualifications, functions and  
4                     duties of a registered nurse is deemed to be a conviction within the meaning of this  
5                     article. The board may order the license or certificate suspended or revoked, or may  
6                     decline to issue a license or certificate, when the time for appeal has elapsed, or the  
7                     judgment of conviction has been affirmed on appeal or when an order granting  
8                     probation is made suspending the imposition of sentence, irrespective of a subsequent  
9                     order under the provisions of Section 1203.4 of the Penal Code allowing such person  
10                    to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
11                    the verdict of guilty, or dismissing the accusation, information or indictment.

12           8.     Code section 490, subdivision (a), states:

13                     In addition to any other action that a board is permitted to take against a  
14                     licensee, a board may suspend or revoke a license on the ground that the licensee has  
15                     been convicted of a crime, if the crime is substantially related to the qualifications,  
16                     functions, or duties of the business or profession for which the license was issued.

#### 17                                     **COST RECOVERY**

18           9.     Code section 125.3 provides, in pertinent part, that the Board may request the  
19                    administrative law judge to direct a licensee found to have committed a violation or violations of  
20                    the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21                    enforcement of the case.

#### 22                                     **FIRST CAUSE FOR DISCIPLINE**

##### 23                                     **(Criminal Conviction)**

24           10.    Respondent is subject to disciplinary action pursuant to Code sections 2761,  
25                    subdivision (f), and 490, subdivision (a), in that on or about October 18, 2011, in Lassen County  
26                    Superior Court, Case No. CR029188, Respondent pled guilty to violating Vehicle Code section  
27                    23152, subdivision (b) (driving a vehicle while having a blood alcohol level of 0.08 percent or  
28                    more), a misdemeanor, a crime substantially related to the qualifications, functions, and duties of  
                    a registered nurse. The circumstances of the crime are as follows: On or about August 11, 2011,  
                    an officer with the Susanville California Highway Patrol, who was traveling northbound on US-  
                    395, observed a vehicle coming to a stop on the southbound shoulder. As the officer neared the  
                    vehicle, he observed Respondent exit the vehicle. The officer made a U-turn and stopped behind  
                    the vehicle to inquire if Respondent needed any assistance. Respondent told the officer that she

1 had a flat tire. As the officer was speaking with Respondent, he smelled the distinct odor of an  
2 alcoholic beverage emitting from her person and noticed that she was unsteady on her feet, her  
3 eyes were watery, and she was slurring her speech. The officer also observed that Respondent  
4 was wearing a nursing uniform. Respondent was asked where she was going, and she indicated  
5 to the officer that she was headed to work. The officer administered field sobriety tests, which  
6 Respondent was unable to perform as explained and demonstrated. The officer determined that  
7 Respondent was under the influence of alcohol and placed her under arrest for a violation of  
8 Vehicle Code section 23152, subdivision (a), misdemeanor DUI. Respondent was transported to  
9 Banner Lassen Medical Center, where she submitted to a blood test. Later, Respondent was  
10 determined to have a BAC (blood alcohol level) of 0.24 percent.

### 11 **SECOND CAUSE FOR DISCIPLINE**

12 (Use of Alcoholic Beverages to an Extent or in a Manner

13 **Dangerous or Injurious to Oneself and Others)**

14 11. Respondent is subject to disciplinary action pursuant to Code section 2761,  
15 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
16 subdivision (b), in that on or about August 11, 2011, Respondent used alcoholic beverages to an  
17 extent or in a manner dangerous or injurious to herself and others, as set forth in paragraph 10  
18 above.

### 19 **THIRD CAUSE FOR DISCIPLINE**

20 (Conviction of a Crime Involving the Consumption of Alcoholic Beverages)

21 12. Respondent is subject to disciplinary action pursuant to Code section 2761,  
22 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
23 subdivision (c), in that on or about October 18, 2011, Respondent was convicted of a criminal  
24 offense involving the consumption of alcoholic beverages, as set forth in paragraph 10 above.

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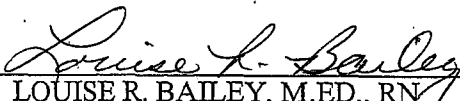
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 319676, issued to Waine Helen Wood;
2. Ordering Waine Helen Wood to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: DECEMBER 27, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SA2012106396